

First, there are now 3 permits on the site. The two that are on the Priority Permits list have not been drafted yet. I have been backed up trying to get a few majors issued – Lima, DP&L Stuart, Dover Chemical, etc. so I have only just scratched the surface of the fact sheets on these.

The third permit is currently out to public notice (OH0144576, OEPA 0IL00159). You should have the permit and PN information. American Energy wanted to expand a refuse pile area and couldn't get it into permit 0IL00091 because that permit was held up due to enforcement. So they just applied for a separate permit for two treatment ponds that discharge to unnamed tributaries of Piney Creek. These tributaries are not designated in the Ohio WQS.

This permit requires a little explanation. The sulfate limits in the permit (2435 mg/l) were set to maintain maximum WQ criteria in the tributaries. We set the maximum limits based on the Illinois criteria formula. We did not use the 2000 mg/l maximum that IL uses because this 2000 mg/l value appears to be based on Agricultural Water Supply uses. AWS criteria do not apply to our undesignated waters.

The permit does not contain TDS limits. While the normal low-flow WLA procedures would require an average limit, we have structured the permit to prohibit chronic exposures to the effluent. The footnotes to the effluent tables in Part I. A. indicate that discharges may occur only during a single 48-hour period during a given week. This prevents a chronic exposure, which means that there is no RP for the discharge to exceed the average (chronic) WQS. The sulfate maximum protects against acute toxicity in the tributaries.

American Energy, with our input, has done wasteload allocations showing that TDS standards are met in Piney Creek. The WLAs also address antidegradation. AD applies because these would be new loadings to state waters. The WLA protects both designated and existing uses through the use of a 600 mg/l WQ criterion for TDS. We have been using this criterion in antidegradation assessments for Coldwater and Exceptional Warmwater streams. In this case, Piney Creek is designated WWH, but the existing use is CWH due to the presence of coldwater invertebrates found in our last survey.

If you need any other information let me know.

Pat,

Eric sent me the subject permit which was PN'd on 10/30/12 and comment period ends on 11/28/12. This is the one that has sulfate limit. I called Eric and he said the company has submitted a lot of negative comments. Since this is a minor permit, I do not think a fact sheet is available.  
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